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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,856	07/16/2003	Stephen Eun Chin		1797
29338	7590	02/09/2006		
PARK LAW FIRM 3255 WILSHIRE BLVD SUITE 1110 LOS ANGELES, CA 90010			EXAMINER GATES, ERIC ANDREW	
			ART UNIT 3722	PAPER NUMBER

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,856	CHIN, STEPHEN EUN	
	Examiner	Art Unit	
	Eric A. Gates	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 28 June 2005.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Regarding claim 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
- b. Regarding claims 8 and 9, in claim 5, paragraph (d), the retaining device is claimed as being provided at the end of the first leg of the ring post. Claims 8 and 9 further limit claim 5, stating that the retaining device comprises magnets. However, claims 8 and 9 state that the magnets are attached to the opening bar and the end of the second leg, not to the end of the first leg. For the purposes of examination, it has been assumed that the magnets are attached to the ends of opening bar and the end of the second leg; however, appropriate correction is required to correct this indefiniteness.

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c. Claim 10 states that the holding pin comprises rivet and screw. As there is only one holding pin, and a rivet and a screw are two separate items, it is not possible for the holding pin to comprise both a rivet and a screw. For the purposes of examination, it has been assumed that the holding pin comprises a rivet or a screw. However, appropriate correction is required.

Claim Objections

4. Claim 5 is objected to because of the following informalities: In line 22, the word "skewing" should be changed to "skewering" or some other appropriate term that describes the action of the holding pin in relation to the holes of the flat legs and flat ends. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong (U.S. Patent 3,785,740) in view of Calloway et al. (U.S. Patent 6,363,589).

7. Regarding claim 5, Strong discloses a ring binder 20; a ring post comprising a first leg 90 and a second leg 92, wherein the first leg comprises a flat end 98 and the second end comprises an outwardly tapered end 118, wherein the flat end of the first

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leg comprises a hole (not labeled, see figure 8); an opening bar 102/114, comprising one or more flat legs 100 and a conclave in between for accepting the flat end of the first leg and an inwardly tapered end 116 corresponding to the outwardly tapered end of the second leg, wherein each of the flat legs comprises a hole for fixing the flat end and the flat legs; a holding pin 104 for skewering the holes of the flat end and the flat legs; and a retaining device 106 provided at the end of the first leg, wherein the opening bar closes the gap between the first and second legs of the ring post elastically. Strong also discloses that the retaining device 106 is used to urge the ring binder open when a detent 122 is removed. Strong does not disclose that the opening bar opens with the pushing force of papers, wherein the opening bar recovers the closing position with the applied force diminished to a predetermined magnitude.

8. Calloway et al. teaches the use of an opening bar 17 that is capable of opening with the pushing force of papers and closing when the pushing force is removed, which uses a retaining device 23 that urges the opening bar closed for the purpose of retaining a strap that has been slid over leg 13. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the ring binder of Strong with the opening bar of Calloway et al. in order to have a ring binder that is spring-loaded to close instead of open.

9. Regarding claim 6, the modified invention of Strong discloses wherein the opening bar 102/114 is anchored by the corresponding leg 92 of the ring post by utilizing any suitable form, in this case detent 122.

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10. Regarding claim 7, the modified invention of Strong discloses wherein the opening bar is formed suitable for perforated papers to travel smoothly in the rings.

11. Regarding claim 10, the modified invention of Strong discloses the holding pin 104 comprises a rivet 104 (see figure 8).

12. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong in view of Calloway et al. and further in view of Nire (U.S. Patent 6,598,272).

13. Regarding claims 8 and 9, the modified invention of Strong discloses the invention substantially as claimed, except the modified invention of Strong does not disclose the retaining device comprises magnets attached on the adjoining faces of the opening bar and second leg.

14. Nire teaches the use of two magnets 7 that are used for the purpose of fastening bodies 2. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the ring binder of Strong with the magnets of Nire in order to have a ring binder that has an alternative means of maintaining the closure of the binder.

Response to Arguments

15. Applicant's arguments with respect to claims 5-10 have been considered but are moot in view of the new ground(s) of rejection.

16. For the reasons as set forth above, the rejections are maintained.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EAG
6 February 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER